

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (Civil) No.494 OF 2012

IN THE MATTER OF:-

JUSTICE K.S. PUTTASWAMY (RETD.) & ANR.

... PETITIONER

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF STATE OF JHARKHAND

1. That, the aforesaid writ petition has been filed for issuance of writ in the nature of mandamus restraining the Union of India from granting Aadhaar numbers and other consequential remedies. The principal argument for seeking this remedy is the constitutional and legal basis of authority for issuance of Aadhaar numbers as well as alleged flaws in the procedure thereof.
2. That, the Hon'ble Supreme Court vide its order dated 23.09.2013 directed that no person should suffer for not getting the Aadhaar Card in spite of the fact that some authority had issued circulars making it mandatory. The Hon'ble Court was further pleased to direct the respondents to make sure that it is issued to those persons who are entitled under the law, and that it is not issued to illegal immigrants. Vide its order dated 26.11.2013, the Hon'ble Supreme Court has directed the Government of Jharkhand among others to file their response on the matter.
3. That, while Respondent No. 1 to 3 are in the best position to reply on the legal and constitutional basis of the authority for framing up and



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implementing the scheme of Aadhaar, this respondent will concentrate on the implication of the interim order of the Hon'ble Supreme Court dated 23.09.2013, which has affected the delivery of many services based on Aadhaar platform. Such services are Public Distribution Scheme (PDS), payment of old age pensions, scholarships, to count a few.

4. That, before proceeding it would be just and proper to go through the process of issuance of Aadhaar numbers, for understanding the rationale of its use in delivery of services. First of all, demographic details such as names, date of birth, address, all (ten) finger prints, photograph and both iris scans are captured of the enrollee. Then a comparison of the biometric details contained in both iris scan and all (ten) fingerprints is done against those of the existing records in the database. Such joint matching ensures that duplicate entries are eliminated with a very high degree of accuracy ranging over and above 99.9 %. This level of accuracy of the biometric match coupled with the demographic details enables still higher level of certainty of having a unique record pertaining to an individual in the Aadhaar database. Once the aforesaid matching process establishes that the impugned details belong to an individual whose details do not exist in the database, relevant details are entered into the database and a random 12 digit number is generated and assigned to that person commonly known as Aadhaar number.
5. That, the salient features of Aadhaar and the benefits which accrue to the Government and the individuals are as follows :
  - a. Uniqueness: - The Aadhaar platform using the world's most sophisticated technology ensures that every resident gets one and

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only one number. This is done to an accuracy of over and above 99.9%.

**Benefit to Government:**

- i) Eliminates duplicacies from the list of beneficiaries. This can lead to huge savings, as only genuine people will get Government benefits.
- ii) End-to-end-transparency - Every benefit that flows from Government to resident can now be traced.
- iii) Reduce fraud and corruption - The corruption due to diversion of public resources can be eliminated.
- iv) Targeting - It can ensure for example that a particular benefit is excluded for income tax payers or make sure that a resident does not claim both Liquefied Petroleum Gas (LPG) and kerosene subsidy etc.

**Benefit to individual:**

- i) Lifetime identity for every resident - In a country where in some States over 50% of the residents don't have a birth certificate, Aadhaar gives them a basic ID and empowerment. Hence, it is often referred to as the world's largest social inclusion project.
  - ii) Nationwide portability - The Aadhaar ID is valid throughout the country and is thus very convenient and useful for people moving from say rural India to urban India.
- b. On-line verification (also called as authentication) - The Aadhaar platform allows on-line verification of a person's identity anywhere in the country by various means (Biometric -



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Fingerprint and Iris, demographic, and One Time Password to mobile phone or email ID).

Benefit to Government:

- i) Can verify that a genuine beneficiary is claiming the benefit [at a Banking Correspondent for money or at a Public Distribution Scheme (PDS), outlet for grain].
- ii) Reach / Accessibility - It can provide services in every nook and corner of the country as long as connectivity is there.

Benefit to individual:

- i) Convenience - A resident can get access to services close to where they are.
- ii) Mobility - A resident can access services throughout the country e.g. a person can draw upon his ration even if he has moved to some other location in search of employment. This would tackle to a very large extent the problems of denial of entitlement faced by migrant laborers.
- iii) Empowerment - Since the resident has a choice of outlets for a particular service [go to any BC to withdraw money or any Public Distribution Scheme (PDS), outlet to withdraw grain], the bargaining power shifts to the resident, which also reduces corruption. Choice to citizens is the desired path of progress in public service delivery throughout the world. No other technology achieves it better and more conveniently than Aadhaar based verification.

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- c. Electronic - Know Your Customer (e-KYC) - Resident authorized provision of Government photo ID consisting of Proof of Identity (POI) and Proof of Address (POA) to an authorized agency.

Benefit to Government:

- i) Productivity - Instant paperless provisioning of services has great impact and productivity benefit for the economy.
- ii) Inclusion - Can provide access to services like bank accounts and mobile connections anywhere easily.
- iii) Audit Trail - Every KYC request has a unique transaction code, which cannot be repudiated and can be investigated easily.

Benefit to resident:

- i) Instant access - Provides instant access to services just with his Aadhaar number e.g. the person could, wherever he may be, get his bank account opened based on the this feature of Aadhaar without endorsement or verification by any other authority.
  - ii) Convenience - These services can be offered anywhere there is connectivity.
- d. Aadhaar as a Financial Address - An Aadhaar-linked Bank account that can receive money just with the Aadhaar number as the address.

Benefit to Government:

- i) Eliminate Fraud and corruption - As the money goes only to account of the genuine beneficiary.



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- ii) Empowerment - The Government can decide that cash benefits to a family only go into the account of the senior female member of the household etc.

Benefit to resident:

- i) Convenience - Convenient account for government to resident, business to resident and resident to resident financial transactions.
  - ii) Account portability - Customer can switch financial service provider without having to change any other system.
6. That, since the Aadhaar number corresponds to a unique record in Aadhaar data base, therefore, tagged to a unique individual, merely introduction of Aadhaar in the beneficiary database ensures detection of a large number of duplicates. Further, exercise of collection of Aadhaar No. of beneficiary results in detection of fake or non-existent beneficiaries. Thus, the exercise of incorporation of Aadhaar Nos. in beneficiary data bases results in detection of fake and duplicate beneficiaries to whom, before the introduction of Aadhaar in the beneficiary database, the benefits were being disbursed causing leakage of State resources. Existence of fakes and duplicates are two most important problems, which the State Government faces in the delivery of benefits to individuals under various welfare programmes. The extent of these problems varies, from place to place and scheme to scheme and in some schemes like public distribution system, the duplicates and fakes amount to as much as 30%. In one scheme alone in Jharkhand viz. National Social Assistance Programme, this exercise led to a reduction of 1,27,860 such beneficiaries out of a total



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number of such beneficiaries 10,44,870 as of the beginning of April 2013, saving a public sum of Rupees 63.93 Crores.

7. That, while a number of measures like passing the pension benefits through bank accounts, periodic verification of Ration Cards and checking of beneficiaries are being taken by the State Government from time to time, the problem has not diminished substantially. It essentially boils down to ensuring that one individual is not able to get more than one benefit - be it Ration Card or the Old Age Pension authorization. Aadhaar, which ensures uniqueness and existence is one such tool, which promises to substantially eliminate these leakages in the service delivery programmes at the ground level. While uniqueness and existence will benefit the Government, online authentication capability, which Aadhaar offers, will be able to help the beneficiaries as it will be possible to deliver the benefits to them at their door-steps. Using Aadhaar for online authentication will hence be beneficial for the Government and also the beneficiaries of various programmes. It is in this background that the State Government had actively partnered with UIDAI and taken up enrolment for Aadhaar from the very beginning. Now Aadhaar enrolment has gone as high as 86% of the population.
8. That, the Biometric details are essential part of the Aadhaar data base, therefore, these alone are adequate to establish identity of a person in the delivery of various Social Welfare Schemes and entitlements. One of the major pain points in the delivery of services is the establishment of identity. Till now, the most common mechanism for establishing identity for disbursement of social welfare benefits has been verification, done through either government employees or by public representatives or prominent people. Even when the amounts are transferred to bank accounts of beneficiaries,



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the Bank Managers require presence of various notables for making payments. This is troublesome for the beneficiaries in large number of instances, as the beneficiaries have to make payments to such people for their trips to the banks or such other places for receiving payment of their dues or entitlements. The introduction of Aadhaar eliminates the need for verification by other persons. The demographic details of the beneficiaries are captured and matched with the biometric details in Aadhaar Repository and if the results of this exercise is positive, then the identity is established and payment is made without any verification by any third person or party. In fact, this fact can be used for making payments through outlets located away from banks and near to the places of residence of beneficiaries through Automated Teller Machine (ATM) like devices, where identification is established through matching of biometrics contained in Aadhaar.

9. That, Article 46 of the Constitution of India provides that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes. The existence of duplicates and fakes in the beneficiary lists constitutes denial of benefit to the needy members of the weaker sections as undeserving people take undue benefit, which the State would have been able to bestow to other eligible or needy beneficiaries. Thus, the State has a constitutional responsibility (and also a right) to ensure that there are no leakages in the delivery of government programs to the people. Aadhaar is the only tool available at the moment, which can ensure uniqueness (for taking care of duplicates) and existence (for taking care of fakes). There is no other technology, which can ensure this.



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10. That, some of these schemes are part of the Direct benefit Transfer Initiative of the Government of India. Government of India has chosen the areas and schemes for introduction of Aadhaar mediated DBT in such a manner so that substantial benefit is derived from introduction of Aadhaar and only in places where substantial coverage has been achieved. Even in such areas, enrolment has continued for left out persons. Aadhaar numbers are being generated for such scheme beneficiaries on a priority basis. Clear provisions have been made for provision of service without Aadhaar to beneficiaries until, they are able to obtain their number and grievance redressal mechanisms have been put in place to take care of exceptions and aberrations. These considerations have informed the implementation of Aadhaar enabled service delivery decisions of the Government of Jharkhand as well.

11. That, there is another class of public services, where establishment of identity is very important. Some of these are driving licenses, registration of land deeds, caste certificates etc. Faking of identity is quite common in these areas, which results in lot of harm to general public and government. Land titles are procured and disputed by obtaining deeds registered through fake persons in presence of fake witnesses. Musclemen and land mafias take advantage of this lacunae to capture land belonging to weaker sections mainly Scheduled Tribes, Scheduled Castes and Women.

This also has a bearing on national security and maintenance of law and order. Impersonation permits unscrupulous elements in creating documents for their nefarious purposes. To cite an interesting example, driving license of V. Prabhakaran, ex head of Liberation Tigers of Tamil Eelam was issued from District Transport Office of Dhanbad.



12. That, it may be mentioned that the importance and utility of Aadhaar for delivery of public services has also been recognized by the Hon'ble Supreme Court in W.P. (C) No.196/2001, Peoples Union for Civil Liberties Vs. Union of India as well as in Civil Appeal No.958/2013, State of Kerala & Others Vs. President, Parents Teachers Association, SNVUP and Others. [A true copy of the aforementioned judgments dated 14.09.2011 and 06.02.2013 are annexed herewith and marked as **Annexure-I (Collectively)**].

13. That, these and other benefits have motivated the Government of Jharkhand to undertake re-engineering of the delivery process for making them simple, economical, efficient and citizen centric. In view of this the Government of Jharkhand came with a resolution bearing No. 1544 dated 04.07.2013, whereby Aadhaar has been made an essential part of the process of the delivery of the services identified.

The Government has duly published this decision and six months window i.e. till 31<sup>st</sup> December 2013 was set so that beneficiaries of the Scheme become aware of the need of getting Aadhaar and the programme officials are able to reach the relevant beneficiaries and educate them in this regard while the scheme benefit recipients are able to enroll themselves, if they had not earlier done so.

14. That, it is submitted that as on 02.12.2013 about 88.9% of the census population in 2011, which is about 2,93,08,764 population out of a total of 3,29,66,238 have been enrolled and by the month of January, 2014, the figure is likely to reach about 91.3 % of the census population in 2011, which in figures would be about 3,00,87,468 (approximately) population out of a total of 3,29,66,238. On the said date 1440 such kits were functional in the field. (A true and typed



tabular chart of the District-wise enrollment Status is annexed herewith and marked as Annexure-II).

It includes 276 Permanent Enrollment Centers and the number is likely to reach about 400 by the mid of January, 2014. About 190 more permanent enrolment centers would be started by 15<sup>th</sup> December, 2013 and thereafter, 50 more centers are likely to be started soon by the end of January, 2014. These centers would continue to be functional even if the Aadhaar enrolment is concluded in campaign mode. Permanent enrolment centers will provide facility to the residents for updates, modifications and new enrolment, so that Aadhaar database always remains update and citizens are not denied service for lack of the facility for doing so.

15. That, in some pilot applications disbursing social benefits through delivery mechanisms mediated through Aadhaar, 10 percent saving per annum was seen. In a study conducted by the National Institute of Public Finance & Policy (NIPFP), the Internal Rate of Return (IRR), in real terms, generated by Aadhaar is likely to be 52.85%. Thus, investment on Aadhaar is a good public investment and designed to rid public service delivery of its well-documented ills of inefficiency, mis-targeting, wastage and corruption and place public finance on a sound footing.
16. That, it is reiterated that there will be no denial of benefits for absence of Aadhaar with a person. State of Jharkhand will ensure the enrolment of beneficiaries who do not have Aadhaar. State will also give adequate time to the beneficiaries for this purpose. Overall, the objective is to clean up delivery system and to ensure that nobody takes away the legitimate rights of the beneficiaries i.e. to avoid pilferage. It is indeed for the protection of the rights of beneficiaries.



17. That, it is also submitted that making Aadhaar compulsory for benefits beyond a certain deadline is similar to making of the bank accounts compulsory for receipt of social security (pension) benefits or for receiving MNREGA wages, as has been done by Ministry of Rural Development, Government of India. Without the bank accounts, there were chances of middlemen getting a cut out of the money/benefits to be paid to the beneficiary. Though it is not a legal obligation to open a bank account for receiving the said benefits, the same has been prescribed as it is for obtaining larger public good. A similar rationale exists in prescribing Aadhaar for disbursing social welfare benefits.
18. That, the second part of the interim order relates to this being issued only to persons entitled under law. UIDs (Aadhaar) are being issued to residents of India in pursuance of executive decision of Government of India. There is a great need for pure identity instruments and could not have been postponed till such time there was a law. It may be mentioned that many social benefits schemes running into thousands of crores are running on the basis of executive decisions and the governments are within their constitutional right for devising such schemes and instruments. It needs to be pointed out that Aadhaar is a pure identity instrument unlike many other entitlement instruments, such as ration cards, EPIC or driving license or passport, which serve as proxy identity instrument. All such other instruments suffer from the fact that they cover only a segment of population rather than all. Being entitlement instruments, there is a mad scramble for getting them irrespective of the eligibility, which results in wasteful utilization of public funds or poor regulation. UID does not impose any financial burden upon the Government nor does it confer any legal status upon those holding it.



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19. That, the process of introduction of Aadhaar in delivery of services has resulted in very large reduction of number of fake and duplicate beneficiaries of various schemes. In one such scheme, national Social Assistance Programme, which provides pensions to old age persons, widows and physically challenged persons, since April 2013, the process of digitization of list of beneficiaries, seeding with Aadhaar both in scheme database as well as in bank accounts since April 2013 till November, 2013 a drop of about 101280 beneficiaries was noticed resulting in saving of about Rupees 50.64 crores. This exercise has been continued in the months of December, 2013 to January 2014 (till date) and a reduction 16192 and 10388 beneficiaries respectively, has been seen resulting in further saving of Rupees 13.29 crores of public exchequer. The number of beneficiaries of the scheme at the beginning of April 2013 was 10,44,870 thus, this lowers the beneficiary count by  $(101280+16192+10388)/10,44,870 = 12.8\%$ . This opens up the possibility of covering eligible beneficiaries who were otherwise left out because of budgetary constraints in addition to preventing leakage of public funds into undeserving hands. It is thus a great reform of public delivery system.

20. That, a very substantial number of residents, primarily the poorest, are not able to access services and benefits intended for them they fail to establish their identity to service providers and agencies that dispense them. These are the people in utmost need of social security and public benefits. Aadhaar based delivery obviates the need of other proxy instruments of identity and, focused campaign of the Government of Jharkhand has ensured that it is available to 9/10 of the population much more than any other such proxy identity

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instrument. In fact, by that reckoning, it should be preferred over others only on this consideration alone.

21. That, following the recommendations of the Expert Committee on Demographic Data Standards and Verification Procedure, 3 distinct methods of verification for generating and assigning Aadhaar had been adopted by UIDAI:

- Based on supporting documents.
- Based on Introducer system.
- Based on National Population Register process of public scrutiny.

22. That, each of these methods is well considered, provides for robust verification following a due process and leaves a permanent trail, electronically captured, detailing the entry of each and every individual into the system.

23. That, enrolment of residents with proper verification, is a key concern of the UIDAI and for this purpose it ensures proper verification of their demographic and biometric information. As a part of its pro-poor approach the UIDAI focuses on enrolling India's poor and under privileged community for many of whom Aadhaar may be the first form of identification. Thus, even though there is no law, it ensures that identities are thoroughly verified and unique before issuance of UID No.

24. That, this Hon'ble Court has directed vide its order dated 23.09.2013 that illegal immigrants will not be provided with UID. As has been mentioned that UID is a pure identity instrument and is given to all residents irrespective of their age, gender or residence provided it



has been verified by any of the abovementioned means. It does not confer citizenship on anybody nor does it entitle anybody for such a claim, as UIDs are not issued under the authority of Citizenship Act. There is no roll of citizens existing as of now, thus there is no basis of identifying illegal immigrants. If such a condition is continued as the basis of issuing UIDs, by back door it will equate UIDs with a token of citizenship, a status which it does not have. Further, it will also make the task of enrolment extremely difficult as first a list of citizens will need to be prepared from which the comparison could be done to identify illegal immigrants. Such a task has not yet been done, therefore logically, the enrolment and issue of UID cannot proceed. Thus, this order will put to a halt all further enrolment for UID. Ironically, if enrolment is allowed to be done, it will enable an online database of all the residents from which the competent agencies could undertake the task of identification of non-citizens and could initiate the task of deportation. It needs to be noted that in absence of such a mechanism, deportation of illegal migrants, where it has been a long standing demand e.g. in Assam has not happened despite more than 3-4 decades of Government activity. Thus, such stipulation of non-issuance to illegal immigrants would make further enrolment untenable and would in fact perpetuate illegal immigration in country rather than eliminating it, as would a full throttled implantation of UID scheme would do.

25. Hence, this respondent, the Govt. of Jharkhand, who has made strategic investments in ensuring universal Aadhaar coverage, should not be denied the benefit of using Aadhaar. Similarly, a citizen, who is yet to be enrolled in Aadhaar, should not be denied of the benefits, which Aadhaar will provide to them such as door step banking or full

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authentication for public distribution system, ration card and other public delivery systems.

As merely 8.7 % of the population has hitherto not been covered, one expects that only 9 out of 100 beneficiary on an average will not have Aadhaar and the State Government will ensure that they are enrolled and the benefits continue to them till they get their Aadhaar number.

26. That, thus the order dated 23.09.2013 passed by the Hon'ble Supreme Court will adversely affect the Government of Jharkhand's abovementioned decision and come in the way of rational, efficient, economic and beneficiary centered services delivery. It is, therefore, prayed that Hon'ble Supreme Court may graciously be pleased to withdraw its interim order dated 23.09.2013 passed in the instant matter and quash the impugned writ petition and other related petitions.
27. That, in the light of the aforesaid facts and circumstances the instant Writ Petition is liable to be dismissed.
28. That, no new facts or grounds are pleaded in this reply and the documents filed along with this counter affidavit are true and correct copies of their respective originals.
29. That, this counter affidavit is being filed bonafide and in the interest of justice.

Filed by:

[TAPESH KUMAR SINGH]

Standing Counsel for the State of Jharkhand

B-48, Defence Colony,

New Delhi 110-024



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IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CIVIL) No. 494 OF 2012

IN THE MATTER OF:

JUSTICE K.S. PUTTASWAMY (RETD.) & ANR.

...PETITIONERS

VERSUS

UNION OF INDIA & ORS.

... RESPONDENT

AFFIDAVIT

I, Shiw Vilas Sah, S/o Shri Prahlad Sah, aged about 58 years, resident of Rameshwaar Appartment Radium Road, Ranchi, Jharkhand and presently at New Delhi do hereby solemnly affirm and state as under:-

1. That, I am at present posted as Deputy Director Department of Information Technology, Government of Jharkhand and have been duly authorized by the competent authority to file the counter affidavit in the present case. That, even otherwise I am well acquainted with the facts and circumstances of the present case and thus competent to swear and affirm the present affidavit.
2. That, the counter affidavit has been drafted on my instructions and facts stated therein are true to my knowledge derived from the records of the case.
3. That the contents of this affidavit are true and correct to the best of my knowledge and nothing materials has been concealed therefrom.
4. That, the contents of the accompanying application seeking exemption from filing official translation of annexures, which has been drawn upon my instructions, are true and correct.

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5. That the annexures / documents filed herewith are true copies of their respective originals.

*Shivudas Sah*

DEPONENT

VERIFICATION:

Verified at New Delhi on this, the      day of December, 2013 that the averments of facts stated herein above are true and correct to my knowledge and belief nothing material has been concealed therefrom.

*Shivudas Sah*

DEPONENT

TAPESH KUMAR SINGH

[Standing Counsel for the State of Jharkhand]

B-48 Defence Colony,

New Delhi-110024.



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ANNEXURE-1 (contd)

ITEM NO.1

COURT NO.4

SECTION PIL

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO. 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(Regarding reports submitted by Justice D.P. Wadhwa, Retd. Judge,  
Supreme Court of India) (REG. PUBLIC DISTRIBUTION SYSTEM)

I.A. Nos.90, 93, 98, 102 to 108, 110, 111 & 112 in

W.P.(C) No.196/2001

(For permission on behalf of Respondent No.17 i.e. State of Maharashtra, modification and directions, intervention on behalf of West Bengal M.R. Dealers Association and All Bengal Price Shop Dealers Welfare Association, impleadment, exemption from filing O.T., directions, extension of time on behalf of State of Rajasthan, modification of Court's order dt.22.04.2009, impleadment on behalf of Karnataka State Taluka Co-operative Marketing Society Association to be impleaded as respondents and permission to file additional affidavit)

WITH

CONTEMPT PETITION (CIVIL) NO. 99/2009

(With Application for exemption from filing O.T.)

W.P.(C) No. 277/2010

Date:14/09/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.

Mr. Divya Jyoti, Adv.

Ms. Jyoti Mendiratta, Adv.

For Respondent(s)

Mr. Mohan Parasaran, ASG

Mr. D.L. Chidananda, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. A. Dev Kumar, Adv.

Ms. Sunita Sharma, Adv.

Ms. Sushma Suri, Adv.

Ms. Anil Katiyar, Adv.

Ms. Supriya Jain, Adv.

Mr. D.S. Mahra, Adv.

Mr. Sudarshan Singh Rawat, Adv.

For DDA

Mr. Vishnu B. Saharya, Adv.

For M/s. Saharya & Co., Adv.

Mr. Jana Kalyan Das, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. S.C. Ghosh, Adv.

Ms. Hemantika Wahi, Adv.

Ms. Suveni Banerjee, Adv.

Mr. D.K. Goswami, Adv.

Mr. Shirish Kr. Mishra, Adv.

Mr. Pragyan P. Sharma, Adv.

Mr. Siddhartha Lodha, Adv.

for

Mr. P.V. Yogeswaran, Adv.

Mr. H.P. Raval, ASG



Ms. Indra Sawhney, Adv.

Dr. Manish Singhvi, AAG, Raj.

Mr. Devanshu Kumar Devesh, Adv.

Mr. Irshad Ahmad, Adv.

Mr. Milind Kumar, Adv.

Mr. A. Mariarputham, Adv. Gen,

Mrs. Aruna Mathur, Adv.

Mr. Avneesh Arputham, Adv.

Mr. Yusuf Khan, Adv.

For M/s. Arputham Aruna & Co., Adv.

Mr. Riku Sarma, Adv.

Mr. Navnit Kumar, Adv.

for M/s. Corporate Law Group, Adv.

Ms. Rachana Srivastava, Adv.

Mr. Ranchi Daga, Adv.

Mr. Krutin Joshi, Adv.

Mr. Manoj Saxena, Adv.

Mr. Mayank Nigam, Adv.

Mr. T.V. George, Adv.

Ms. Kamini Jaiswal, Adv.

Mr. Shish Pal Laler, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Mr. Sapam Biswajit Meitei, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

Mr. R. Sundaravaradhan, Sr. Adv.

Mr. V.G. Pragasaam, Adv.

Mr. S.J. Aristotle, Adv.

Mr. Prabu Ramasubramanian, Adv.

Mr. G.V. Rao, Adv.

Mr. Ravi Prakash Mehrotra, Adv.

Mr. Gopal Singh, Adv.

Mr. Manish Kumar, Adv.

Mr. Chandan Kumar, Adv.

Mr. Bikas Kar Gutpa, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Rituraj Biswas, Adv.

Mr. Manish Pitale, Adv.

Mr. Wasi Haider, Adv.

For Mr. C.S. Ashri, Adv.

Mr. Soumitra G. Chaudhuri, Adv.

Mr. Tara Chandra Sharma, Adv.

Mr. Anil Shrivastav, Adv.

Mr. Ritu Raj Biswas, Adv.

Mr. Edward Belho, Adv.

Mr. P. Athuimei R. Naga, Adv.

Mr. K. Enatoli Sema, Adv.

Mr. Nimshim Vashum, Adv.

Mr. T. Harish Kumar, Adv.

Mr. V. Vasudevan, Adv.

Mr. Sanjiv Sen, Adv.

Mr. Prashant Kumar, Adv.

Mr. P. Parmeswaran, Adv.

Mr. Ujjal Banerjee, Adv.

Mr. Atul Jha, Adv.

Mr. D.K. Sinha, Adv.

Mr. G.V. Chandrashekhar, Adv.



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Mr. N.K. Verma,Adv.

Ms. Anjana Chandrashekar,Adv.

Mr. Gopal Prasad,Adv.

Mr. Sarbojit Dutta,Adv.

Mr. D. Mahesh Babu,Adv.

Mr. Ramesh Allanki,Adv.

Mr. Savita Dhande,Adv.

Mr. V. Pattabhi,Adv.

Mr. Sunil Fernandes,Adv.

Mr. Suhaas Joshi,Adv.

Ms. Astha Sharma,Adv.

Mr. Ramesh Babu M.R.,Adv.

Ms. Anuradha Rustagi,Adv.

Ms. D. Bharathi Reddy,Adv.

Mr. Sanjay R. Hegde,Adv.

Mr. Ramesh Kr. Mishra,Adv.

Ms. Sumita Hazarika,Adv.

Mr. K.K. Mahalik,Adv.

Mr. Ajay Pal,Adv.

Mr. Manjit Singh,Adv.

Mr. Kamal Mohan Gupta,Adv.

Ms. A. Subhashini,Adv.

Mr. Gopal Singh,Adv.

Mr. Rituraj Biswas,Adv.

Mr. Kuldip Singh,Adv.

Mr. R.K. Pandey,Adv.

Mr. H.S. Sandhu,Adv.

Mr. K.K. Pandey,Adv.

Mr. Mohit Mudgil,Adv.

Mr. Ravindra Keshavrao Adsure,Adv.

Ms. Bina Madhavan,Adv.

Mr. Prashant Kumar,Adv.

Mr. Vishwajit Singh,Adv.

Mr. Sanjay V. Kharde,Adv.

Ms. Asha G. Nair,Adv.

Mr. K.V. Mohan,Adv.

Mr. Rajesh Srivastava,Adv.

Mrs. Promila,Adv.

Mr. S. Thananjayan,Adv.

Mr. Anuvrat Sharma,Adv.

Mr. K.N. Madhusoodhanan,Adv.

Mr. R. Sathish,Adv.

Mr. Naushad Ahmad Khan,Adv.

Mr. Rajesh Kumar Verma,Adv.

for Mr. R.C. Kaushik,Adv.

Mr. Pradeep Misra,Adv.

Mr. Venkateswara Rao Anumolu,Adv.

Mr. Bikas Upadhyay,Adv.

Mr. B.S. Banthia,Adv.

Dr. Aman Hingorani,Adv.

Ms. Priya Hingorani,Adv.

Mr. G. Prakash,Adv.

Ms. Beena Prakash,Adv.

Mr. V. Senthil,Adv.

Mr. Navneet Kumar,Adv.

Mr. Anil Kumar Jha,Adv.

Mr. Vikas Mehta,Adv.

Mr. Pramod Swaroop,Sr.Adv.

Mr. Raj Kumar Gupta,Adv.



Mr. Rajiv Dubey, Adv.

Mr. Kamendra Mishra, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. Anis Suhrawardy, Adv.

Mr. Shivaji M. Jadhav, Adv.

Mr. Suresh Chandra Tripathy, Adv.

Mr. Navin R. Nath, Adv.

UPON hearing counsel the Court made the following

#### ORDER

The High Powered committee headed by Justice D.P. Wadhwa, Retired Judge of this Court, has submitted a Preliminary Report on Computerization of Public Distribution System. In the recommendations of the Report it is mentioned that Computerization of PDS consists of primarily three components i.e. creating a updating beneficiary database, stocks management from FCI till FPS and sale of commodities at Fair Price Shops. In order to make PDS effective it is important that the delivery and management system is transparent. The citizen participation for social audit can play a crucial role in ensuring effectiveness of the system. In order to implement this system across the country, the following actions are suggested by the Committee:

1. End to end computerization of PDS may be considered in two parts and following prioritisation of the Implementation Strategy may be followed:

Component I:- Diversions, leakages, delays in allocation and transportation, inappropriate distribution of foodgrains to fair price shops go unchecked because of lack of visibility of this information in the public domain.

Computerization of complete supply chain management up to the shop level and availability of this information on a Transparency Portal in public domain is to be accorded the highest priority. The portal should have different dashboards catering to the information needs of all the stakeholders.

Component II:- Electronic authentication of delivery and payments at the fair price shop level. In order to ensure that each card holder is getting his due entitlement computerization has to reach literally every doorstep and this could take long. Moreover several States have already started implementing smart cards, food coupons etc. which have not been entirely successful. Reengineering these legacy systems and replacing it with online Aadhaar authentication at the time of foodgrain delivery will take time. This is therefore proposed as component II.

2. Department of Food & Public Distribution is directed to issue guidelines to all the States for end to end of TPDS.
3. Government of India shall ensure that State Governments a time bound action plan for completing the process of These action plan will be implemented keeping the timelines in mind and will be regularly submitted before the Hon'ble Supreme Court.
4. States/UTs should take up End to End computerization of TPDS as a top priority and should appoint a dedicated nodal officer to monitor the projects related to TPDS computerization.
5. States/UTs maybe encouraged to include the PDS related KYR+ field in the data collection exercise being undertaken by various Registrars across the country as part of the UID (Aadhaar) .



6. Digitization of beneficiary data and a centralized database with clear process of data updation to be put in place by States in a time bound manner.
7. Dissemination of information about availability of foodgrains through SMS to the pre-identified individuals in the local community to enable social audit. The system could also provide stock position at a specific location on demand. The information related to stock availability using latest technological inter face should be made available in a public domain.
8. Single information system should be developed to meet the above mentioned requirements that would help to certain basic level of transparency in PDS. For this states should arrange training programs for field functionaries and FP dealers.
9. Chhattisgarh model of computerization for PDS System, (A note on the computerization of PDS in the State of Chhattisgarh is annexed hereto as II) which primarily cater to the upto the shop level was also upon and discussed in the HPC. It was decided that the Chhattisgarh model may be adopted for component 1 and component 2 maybe done on the similar lines of the Gujarat model of computerization. The Chhattisgarh model may be in all the States within a maximum period of three months. However, some State Governments like Government of Gujarat which is following Component 2, or other States which may be at the advanced stage of following some other model, such States may continue to follow the same so long as it is fulfilling the end objectives of completing the computerization. (A note on the computerization of PDS in the State of Gujarat is annexed hereto as Annexure III).

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10. As the process of end to end computerization is expected to be a sizable exercise, to complete it in a mission mode, a separate and dedicated institutional mechanism is to be incorporated to look after the progress of computerization of PDS. This institution must have active participation of all stake holders including the State Governments. As PDS is implemented by the State by the State Governments and supported by Government of India, role of State Government in this body will be helpful in getting required support from the State Governments.
11. Information related to stock availability, movement and date quantity of stocks supplied to FPS should be made available in public domain by using latest technological interface like SMSs/website or other means.
12. As far as possible, state governments should be directed to link the process of computerization of Component-2 with AADHAR Registration. This will help in streamlining the process of biometric collection as well as authentication. States/UTs may be encouraged to include the PDS related KYR+ field in the data collection exercise being undertaken by various Registrars across the country as part of the UID (Aadhar) enrolment.
13. An effective grievance redressal mechanism should be strictly enforced based on SMS/email and other suitable technology. Government of India should ensure that this mechanism is put in place in all the states. State/UTs should create effective grievance redressal mechanism where use of mobile based SMS/email can be used for timely resolution of the citizen/beneficiary grievance. A four digit toll free number may be established in all the States for grievances registration and redressal thereof.



14. Government of India will ensure that the computerization operation is provided necessary infrastructure and financial. This needs to be completed in a time bound manner and the so shall be completely responsible for meeting the timelines of India with the help state government will ensure that the institution has sufficient to complete the computerization in a time bound manner.
15. While this complete process is expected to take some time, in the meantime, following action may immediately be taken.
  - a. State Governments will ensure door step delivery of food grain for the ration shops in a time bound manner and shall ensure that information related to movement and availability of food grain is available in public domain.
  - b. A PDS Public Information portal may be made which will have to complete public distribution system. In addition to other information, it should also have the information of date and of food grain supplied to the fair price shop every month for all the shops.
  - c. The digitized database of ration cards will be put up in the public domain including on the websites.
  - d. State should make necessary amendments to make the fair price shop financially viable.
  - e. A four digit toll free number may be established In all the States for grievances registration and redressal thereof.

- f. All the State governments will ensure that required allocation reaches the fair price shop before 1st day of the month and this information should be available on the transparency portal.
- g. A drive can be started to eliminate the fake and ghost ration cards. A comparison with data available with other departments like election, census etc. gives the quick estimates about the bogus cards. It was seen that at some places, units in the ration cards exceed even the populations of the area. These practices should be checked immediately. This can also be linked up with the Socio Economic Census in Rural Areas which is expected to be completed shortly within this year itself.
- h. Government of India shall ensure that all the state governments prepares a time bound action plan for complete computerization of PDS system within three months' time. Strict deadlines may be fixed in the action plan and these will be submitted before Hon'ble Supreme Court within three months.
- i. All above steps may be completed within three months time.

We have discussed the recommendations of the High Powered Committee on Computerization with the counsel for the petitioner and the learned Additional Solicitor General of India. The Government of India has agreed in principle to implement these recommendations as expeditiously as possible. We request Mr. Parasaran, learned Additional Solicitor to ensure that the process of computerization is completed as expeditiously as possible. He may help in coordinating with the High Powered Committee and other concerned authorities and individuals.



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We direct the Chief Secretaries of various States to indicate, within two weeks, as to how much additional foodgrains is required for the poorest in their States and allocation of foodgrains would be made within two weeks thereafter. We further direct the Chief Secretaries to ensure that whatever foodgrains are allocated, the same be lifted by them within two weeks. The allocation of foodgrains to be made out of five million tonnes additionally allocated.

We request the High Powered Committee to hear all the parties and decide whether the foodgrains is required to be distributed at AAY rates or BPL rates and the decision of the High Powered Committee would be binding on all concerned and would be implemented forthwith.

We request the High Powered Committee to decide this issue as expeditiously and we direct the parties to appear before the High Powered Committee on 20th September, 2011. In case the Chief Secretaries of various States do not respond within two weeks, as directed above, it would be presumed that, that particular State does not require additional foodgrains at AAY or BPL rates.

Learned counsel appearing on behalf of the submits that the affidavit to be filed in pursuance of the directions of this Court, has gone to the office of the Prime Minister for vetting and the same would be filed within a week. Reply to that affidavit, if any, be filed within one week thereafter.

All those States who have not filed their affidavits may file the same within two weeks from today.

List this matter for further directions on 11<sup>th</sup> October, 2011.

32

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List this matter for further directions on 11<sup>th</sup> October, 2011.

(A.S. BISHT)

COURT MASTER

(SHASHI BALA VIJ)

ASSISTANT REGISTRAR



2013 STPL(Web) 97 SC  
SUPREME COURT OF INDIA

(K.S. RADHAKRISHNAN AND DIPAK MISRA, JJ.)

STATE OF KERALA AND OTHERS



Appellants

VERSUS

PRESIDENT, PARENT TEACHER ASSN. SNVUP AND OTHERS

Respondents

Civil Appeal No. 958 of 2013 (*Arising out of SLP(C) No.9162 of 2011*)-Decided on 6-2-2013.

Education – Bogus admissions

JUDGMENT

K.S. Radhakrishnan, J.:- Leave granted.

2. We are in this appeal concerned with the question whether the High Court was justified in directing the Secretary, General Education Department of the State of Kerala to get the verification of the actual students' strength in all the aided schools in the State with the assistance of the police and to take appropriate action.

3. The Assistant Educational Officer (AEO), Valappad had fixed the staff strength of S.N.V.U.P. School, Thalikulam for the year 2008-09 based on the visit report of High School Association (SS), GHS Kodakara as per Rule 12 of Chapter XXIII of Kerala Education Rules (KER). Later, based on a complaint regarding bogus admissions and irregular fixation of staff for the year 2008-09 by the AEO, the Super Check Cell, Malabar Region, Kozhikode made a surprise visit in the school on 17.09.2008 and physically verified the strength of the students and noticed undue shortage of attendance on that day. The strength verified by the Super Check Cell was not sufficient for allowing the divisions and posts sanctioned by the AEO. The Head Master of the School, however, stated in writing that the shortfall of attendance on the day of inspection was due to "Badar Day" of Muslim community and due to distribution of rice consequent to that. In order to confirm the genuineness of the facts stated by the Head Master, the Cell again visited the school on 16.12.2008. Verification could not be done on that day, hence the Cell again visited the school on 02.02.2009 and physically verified the students' strength. On that day also, there were large number of absentees as noticed on 17.09.2008. On verification of attendance register, it was found that the class teachers of respective classes had given bogus presence to all students on almost all the days. Enquiry revealed that the school authorities had obtained the staff fixation order for the year 2008-09 through bogus recordal admissions.

4. The Director of Public Instructions (DPI), Thiruvananthapuram consequently issued a notice dated 07.05.2009 to the Manager of the School of his proposal to revise roll strength and revision of staff strength by reducing one division each in Std. I, II, IV to VII and 2 divisions in Std. III and consequent posts of 5 LPSAs, 3 UPSAs in the school during the year 2008-09. The Manager of the school responded to the notice vide representation dated 27.05.2009 stating that Super Check Officials did not record the attendance particulars of the students in the visit record and had tampered with the attendance register. The Manager had also pointed out that the Headmaster was not responsible to compensate the loss



suffered by the Department by way of paying salary to the teachers who had worked in the sanctioned posts. Further, it was also pointed out that the staff fixation should not be done within the academic year and re-fixation was not permissible as per Rule 12E(3) read with Rule 16 of Chapter XXIII, KER and requested not to reduce the class divisions.

5. The DPI elaborately heard the lawyers appearing for the Headmaster and the Manager of the school, affected teachers as well as the officials of the Super Check Cell. Having heard the submissions made and perusing the records made available, the DPI found that the staff fixation of the school for the year 2008-09 was obtained through bogus admissions and misrepresentation of facts. DPI noticed that the roll strength during the year 2008-09 was 1196. There were 404 absentees on the first visit of the Cell on 17.09.2008. The Super Check Cell again visited the school on 16.12.2008 and 02.02.2009 and it was found that among 404 students absent on the first day, 179 names were bogus and irregular retentions. The physical presence of 179 students could not be verified on all the three occasions. DPI, therefore, passed an order revising the staff fixation of the school for the year 2008-09 as per Rule 12(3) read with Rule 16 of Chapter XXIII of KER. Consequently, the total number of divisions in the school was reduced to 23 from 31. In the Order dated 08.09.2009, the DIP had stated as follows:

“The Headmaster is responsible for the admission, removals, and maintenance of records and for the supervision of work of subordinates. It is the duty of the verification officer to verify the strength correctly and to unearth the irregularities. Due to the irregular fixation of staff, the State exchequer has incurred additional and unnecessary expenditure by way of pay and allowances for 8 teachers and expenditure incurred in connection with payment of various scholarships, lump-sum grant, noon-feeding, free books etc to the bogus students. These loss sustained to the Government will be recovered from the Headmaster of the school who alone is responsible for all the above irregularities.”

6. The DPI also directed to take further action to fix the liabilities and recover the amount from the Headmaster under intimation to DPI and the Super Check Officer, Kozhikode. The Headmaster and Manager of the school, aggrieved by the above-mentioned order, filed a revision petition before the State Government. The High Court vide its judgment dated 7.12.2009 in Writ Petition (C) No. 35135 of 2009 directed the State Government to dispose of the revision petition.

7. The higher level verification was also conducted in the school with regard to the staff fixation for the year 2009-10 and on verification, it was found that many of the students in the school records were only bogus recordal admissions. Following that, the AEO issued staff fixation order for the year 2009-10 vide proceedings dated 27.03.2010.

8. Meanwhile, the President of the Parent Teachers Association (Respondent No.1 herein) filed WP (C) No. 12285 of 2010 before the High Court seeking a direction to the AEO to reckon the entire students present in the school on the 6th working day and higher level verification of District Education Officer (DEO) on 13.01.2010 for the purpose of staff fixation for the year 2009-10 and also for a declaration that the exclusion of the students who were present on the day of higher level verification on 13.01.2010 from the staff fixation order 2009-10 was illegal and also for other consequential reliefs.

9. Learned Single Judge of the High Court dismissed the Writ Petition on 07.04.2010 stating that the Parent Teachers Association have no locus standi in challenging the staff fixation order. The judgment was challenged in W.A No.1195 of 2010 by the President, Parent Teachers Association before the Division Bench of the High Court and the Bench passed an interim order on 14.07.2010. The operative portion of the same reads as follows:-



“The inspection team has recorded that as many as 179 students whose names and particulars are furnished, represent bogus admissions for record purposes. If admission register is manipulated by recording bogus admissions in the name of non-existing students or students of other institutions, we feel criminal action also is called for against the school authorities. Since appellant has denied the findings in the inspection report, we feel a police enquiry is called for in the matter. We, therefore, direct the Superintendent of Police, Thrissur to constitute a team of Police Officers to go through Ext.P1, verify the registered maintained by the school authorities, take the addresses as shown in the school records and conduct field enquiry as to whether the students are real persons and if so, whether they are really studying in this school or elsewhere. In other words, the result of the enquiry is to confirm to this court whether the students whose names are in the record of the school are real and if so, whether they are students in this school or any other school.”

The Bench also directed to the Superintendent of Police to submit his report within one month.

10. The Superintendent of Police, following the direction given by the High Court, constituted a team under the leadership of the Circle Inspector of Police, Valappad and the team conducted detailed enquiry in respect of all the matters directed to be examined by the police. The Superintendent of Police submitted the report dated 20.09.2010 which reads as follows:

“On the enquiry about the 187 students (179+8) which were alleged as bogus admissions as per Ext.P1, it is revealed that only 72 students were studied in S.N.V.U.P. School during the period 2008- 09 and 80 students were studied in some other schools. The addresses of 23 students have not been traced out even with the help of postman of the concerned area. On the enquiry it is also revealed that 4 students vide the admission Nos. 13008, 11875, 12883 and 13876 mentioned in Ext.P1, have not been studied anywhere during that period.

The details of the 187 students, revealed in the enquiry are mentioned below:-

1. Actual No. of students studied in SNVUP School, Thalikulam during 2008-2009 72
2. No. of Students studied in some other schools 80
3. No. of students whose address have not been trace out 23
4. No. of students have not been studied anywhere 04
5. No. of students removed from the rolls. Immediately after strength inspection 08

Total	187
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The report of the enquiry, submitted by the Circle Inspector of Police, Valappad showing the details of each students is also produced herewith.”

11. The Division Bench of the High Court after perusing the report submitted by the Superintendent of Police found that neither the finding of the DPI based on inspections by Super Check Cell nor the claim of the Parent Teachers Association was correct since the police had found that at least 72 out of 187 students declared bogus by the DPI were real students of the school. The High Court, therefore, concluded manipulation by the school management was obvious, though not to the extent found by the



Super Check Cell based on which DPI had passed the impugned order. The Division Bench expressed anguish that the management had included 80 students studying in other schools as students of the present school. It was also noticed that as many as 23 students could not be traced by the police with the help of the postman, were also included in the register.

12. The Division Bench concluded that since the Super Check Cell, the Education Department lacked the investigating skill or the authority to collect information from the field, it would be appropriate that the verification of actual students in all the aided schools in the State would be done through the police. Holding so, the High Court gave the following direction:

“We, therefore, feel as in this case Police should be entrusted to assist the Education Department by conducting enquiry about the actual and real students studying in every aided school in the State and pass on the same to the Education Department for them to fix or re-fix the staff strength based on the data furnished by the Police. We, therefore, direct the Secretary, Department of Education, to get verification of the actual students studying in all the aided schools in the State done through the police authorities and take appropriate action. It would be open to the Government to consider photo or finger identification of the students for avoiding manipulation in the school registers. The Government is directed to complete the process by the end of this academic year and file a report in this court.”

13. The State of Kerala, aggrieved by the various directions given by the Division Bench, has preferred this appeal. Ms. Liz Mathew, learned counsel appearing for the State of Kerala submitted that the High Court was not justified in giving a direction to the Secretary, Education Department in entrusting the task to State Police for verification of actual students' strength in all the aided schools, while the enquiry is being conducted by the Education Department. Learned counsel submitted that Kerala Education Act and Rules did not prescribe any mechanism for conducting enquiries by the police at the time of staff fixation. The method to be adopted in the fixation of staff in various schools is prescribed under Chapter XXIII of KER and police have no role. The Rules empower the AEO, the DEO and the Super Check Cell etc. to conduct enquiries but not by the police. Learned counsel also pointed out that the presence of the police personnel in the aided schools in the States would not only cause embarrassment to the students studying in the school but would also cast wrong impression on the minds of the students about the conduct of their Headmaster, teachers and staff of the school.

14. We notice that the State itself had admitted in the petition that there should be a better mechanism to ascertain the number of students in the aided schools which could be done by finger printing or any other modern system so that the students could be properly identified and staff fixation could be done on the basis of relevant data. We, therefore, directed the State to evolve a better mechanism to overcome situations like the one which has occurred in the school. Fact finding authorities have categorically found that the school authorities had made bogus admissions and made wrong recording of attendance which led to the irregular and illegal fixation of staff strength of the school for the years 2008-09 and 2009-10.

15. An additional affidavit has been filed by the State of Kerala stating that the Government after much thought and deliberations formulated a scientific method to resolve the issue emanating from staff fixation orders every year. The affidavit says that the number of students in the school can be determined through Unique Identification Card (UID) technology and the number of divisions could be arrived at on the basis of revised pupil teacher ratio. Further, it is also pointed out that after implementation of UID as a part of scientific package, the government will remand the matter of identification of bogus admission to the DPI for considering issues afresh after corroborating the findings of Super Check Cell with UID details of the students. The State has issued a circular No. NEP (3) 66183/2011 dated 12.10.2011 which, according to the State, would take care of such situations happening in various aided schools in the State.



16. We are of the view even though the Division Bench was not justified in directing police intervention, the situation that has unfolded in this case is the one that we get in many aided schools in the State. Many of the aided schools in the State, though not all, obtain staff fixation order through bogus admissions and misrepresentation of facts. Due to the irregular fixation of staff, the State exchequer incurs heavy financial burden by way of pay and allowances. The State has also to expend public money in connection with the payment of various scholarships, lump-sum grant, noon-feeding, free books etc. to the bogus students.

17. A great responsibility is, therefore, cast on the General Education Department to curb such menace which not only burden the State exchequer but also will give a wrong signal to the society at large. The Management and the Headmaster of the school should be a role model to the young students studying in their schools and if themselves indulge in such bogus admissions and record wrong attendance of students for unlawful gain, how they can imbibe the guidelines of honesty, truth and values in life to the students. We are, however, of the view that the investigation by the police with regard to the verification of the school admission, register etc., particularly with regard to the admissions of the students in the aided schools will give a wrong signal even to the students studying in the school and the presence of the police itself is not conducive to the academic atmosphere of the schools. In such circumstances, we are inclined to set aside the directions given by the Division Bench for police intervention for verification of the students' strength in all the aided schools.

18. We are, however, inclined to give a direction to the Education Department, State of Kerala to forthwith give effect to a circular dated 12.10.2011 to issue UID Card to all the school children and follow the guidelines and directions contained in their circular. Needless to say, the Government can always adopt, in future, better scientific methods to curb such types of bogus admissions in various aided schools.

19. We, however, find no reason to interfere with the direction given by the DPI to take further action to fix the liabilities for the irregularity committed in the school for the years 2008-09 and 2009-10, for which the appeal is pending before the State Government. The State Government will consider the appeal and take appropriate decision in accordance with law, if it is still pending. Appeal is allowed as above without any order as to costs.

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## Department of Information Technology

## District Enrollment Report

S. No	District	Total Population (As per Census 2011)	Enrollment Done by SR+NSR Agency in Phase I	Enrollment Done by SR+NSR Agency in Phase II	Total Commulative Enrollment Done	% Completion	Total Kits	Remaining Population	% Remaining
1	Dhanbad	2682662	788679	1426991	2,215,670	82.53	109	466992	17.41
2	Bokaro	2061918	416246	1293436	1,709,682	82.92	98	352236	17.08
3	East Singhbhum	2291032	659673	1317515	1,977,188	86.30	95	313844	13.70
4	West Singhbhum	1501619	300299	923986	1,224,285	81.53	111	277334	18.47
5	Deoghar	1491879	460861	789213	1,250,074	83.79	69	241805	16.21
6	Palamu	1936319	592380	1100493	1,692,873	87.43	56	243446	12.57
7	Chatra	1042304	2994	902807	905,801	86.90	120	136503	13.10
8	Giridih	2445203	640982	1615103	2,256,085	92.27	45	189118	7.73
9	Hazaribagh	1734005	479987	1057408	1,537,395	88.66	35	196610	11.34
10	Saikal-Kharwasan	1063458	393313	489914	883,227	83.05	26	180231	16.95
11	Pakur	899200	129411	615486	744,897	82.84	101	154303	17.16
12	Latehar	725673	879	589151	590,030	81.31	66	135643	18.69
13	Garhwa	1322387	445234	719043	1,164,277	88.04	42	158110	11.96
14	Godda	1311382	190788	970872	1,161,660	88.58	44	149722	11.42
15	Sahebganj	1150038	126744	911284	1,038,028	90.26	50	112010	9.74
16	Ramgarh	949159	273043	565744	838,787	88.37	41	110372	11.63
17	Jamtara	790207	134277	552262	686,539	86.88	64	103668	13.12
18	Simdega	599813	84918	431478	516,396	86.09	34	83417	13.91
19	Koderma	717169	176268	481110	657,378	91.66	66	59791	8.34
20	Gumla	1025656	318496	646558	965,054	94.09	36	60602	5.91
21	Lohardaga	461738	161205	307783	468,988	101.57	18	-7250	-1.57
22	Dumka	1321096	198255	1103037	1,301,292	98.50	17	19804	1.50
23	Ranchi	2912022	880722	2067537	2,948,259	101.24	79	-36237	-1.24
24	Khunti	530299	241622	333277	574,899	108.41	18	-44600	-8.41
Total		32,966,238	8097276	21211488	29,308,764	88.91	1440	3657474	11.09